



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

**Pike Industries, Inc.
Cumberland County
Westbrook, Maine
A-246-71-L-N(SM)**

**Departmental
Findings of Fact and Order
Air Emission License
After-The-Fact**

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., § 344 and § 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

The Air Emission License for Pike Industries, Inc. (Pike) of Westbrook, Maine expired on May 14, 2009. Pike has applied to renew their expired license permitting the operation of emission sources associated with their asphalt pavement production facility.

B. Emission Equipment

Asphalt Plant

<u>Equipment</u>	<u>Process Rate (TPH)</u>	<u>Design Capacity Firing Rate</u>	<u>Control Devices</u>	<u>Stack ID</u>	<u>Date of Manu- facture</u>
Dryer	150* 280**	110 MMBtu/hr, #2, #4, #6 fuel oil, spec. waste oil, all 0.5% sulfur, 797 gal/hr; Natural Gas, 110,000 cf/hr	Baghouse & cyclone	1	1995

* 150 TPH when used as a batch plant

** 280 TPH when used as a drum mix plant

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

Heating Equipment

<u>Equipment</u>	<u>Maximum Capacity</u>	<u>Fuel Type, Maximum Firing Rate</u>
Asphalt tank heater	1.3 MMBtu/hr	Natural Gas, 1,357 cf/hr; #2, #4, #6 fuel oil, spec. waste oil, all 0.5% sulfur, 8.7 gal/hr

C. Application Classification

The previous air emission license for Pike expired on May 14, 2009. A complete application was not submitted on time, therefore Pike is considered to be an existing source applying for an after-the-fact renewal. The facility is determined to be a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005). With the fuel limit the Asphalt Plant and Asphalt Heater, the facility is licensed below the major source thresholds and is considered a synthetic minor.

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Asphalt Plant

The drum mix asphalt plant was manufactured in 1995 and is therefore subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities manufactured after June 11, 1973.

The drum mix asphalt plant fires #2, #4 and #6 fuel oil and specification waste oil, each with a sulfur content not to exceed 0.5%. The drum mix asphalt plant also fires natural gas.

To meet the requirements of Best Practical Treatment (BPT) and NSPS for the control of particulate matter (PM) emissions, the drum mix asphalt plant shall vent to a baghouse. Opacity from the asphalt batch plant baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

Based on the above drum mix asphalt plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf (9.97 lb/hr).

The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum mix asphalt plant is operating:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the drum mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline, #2 fuel oil, or specification waste oil (provided the specification waste oil originates on site) without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Bureau of Air Quality at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. Asphalt Heater

The Asphalt Heater has a heat input capacity of 1.3 MMBtu/hr, firing natural gas, #2, #4, #6 fuel oil or specification waste oil, all with a sulfur content not to exceed 0.5% by weight.

The summary of BPT for the asphalt heater is the following:

1. Fuel use in the Asphalt Plant and the Asphalt Heater shall not exceed 750,000 gallons per year of #2, #4, #6 fuel oil or specification waste oil, based on a 12-month rolling total, and 105,000,000 cubic feet of natural gas per year, based on a 12-month rolling total.
2. SO₂ emission data is based on AP-42 data.
3. PM and PM₁₀ emission rates are based on BPT of 0.12 lb/MMBtu.
4. NO_x emission rates are based on BPT of 100 lb/10⁶ scf for natural gas, and on AP-42 data dated 7/98 for fuel oils.
5. CO and VOC emission limits are based upon AP-42 data dated 7/98.
6. Visible emissions from the Asphalt Heater shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from a general process (including conveyor belts) shall not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

F. Facility Emissions

Pike shall be restricted to the following annual emissions, based on a 12-month rolling total:

Total Licensed Annual Emissions for the Facility
(Used to calculate the annual license fee)

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
#2, #4, #6 Fuel & Spec. Waste Oil	5.10	5.10	26.44	9.20	30.68	4.58
Natural Gas	4.99	4.99	0.45	3.47	17.37	4.28

Total TPY	10.1	10.1	26.9	12.7	48.0	8.9
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III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a minor **new** source shall be determined on a case-by-case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-246-71-L-N, subject to the following conditions:

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions. [06-096 CMR 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]

- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.[06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
 - A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

- B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) Drum Mix Asphalt Plant

- A. Emissions from the drum mix asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]

- B. The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum mix asphalt plant is operating [06-096 CMR 115, BPT]:
1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
 2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- C. To document maintenance of the baghouse, the license shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]
- D. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- E. General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- F. Fuel use records and receipts for the asphalt plant shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil in the dryer. [06-096 CMR 115, BPT]
- G. Pike shall be limited to the use of 750,000 gallons on a 12-month rolling total of #2, #4, and #6 fuel oil and specification waste oil, combined, with a sulfur content not to exceed 0.5%, and 105,000,000 scf/yr on a 12-month rolling total of Natural Gas, in the Asphalt Plant and the Asphalt Heater.

Emissions from the baghouse shall not exceed the following when firing **#2, #4, or #6 fuel oil, or specification waste oil** [06-096 CMR 115, BPT]:

Pollutant	<u>grs/dscf</u>	<u>lb/hr</u>
PM	0.03	9.97
PM ₁₀	-	9.97
SO ₂	-	51.70
NO _x	-	15.40
CO	-	36.40
VOC	-	8.96

Emissions from the baghouse shall not exceed the following when firing **natural gas** [06-096 CMR 115, BPT]:

<u>Pollutant</u>	<u>grs/dscf</u>	<u>lb/hr</u>
PM	0.03	9.97
PM ₁₀	-	9.97
SO ₂	-	0.95
NO _x	-	7.28
CO	-	36.40
VOC	-	8.96

- H. Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil or specification waste oil (provided the specification waste oil originates on site) without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the commissioner at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [38 MSRA §608-A, and 06-096 CMR 115, BPT]
- I. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
- J. When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]
- K. Pike shall notify the Bureau of Air Quality regional inspector at least 7 days prior to processing soil contaminated with anything other than #2 fuel oil or gasoline. [06-096 CMR 115, BPT]

(17) **Asphalt Heater**

- A. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Asphalt Heater #1	0.16	0.16	0.61	0.48	0.11	0.09

- B. Visible emissions from the Asphalt Heater shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- C. Fuel use for the Asphalt Plant and the Asphalt Heater combined shall not exceed 750,000 gallons combined of #2, #4, and #6 fuel oil and specification waste oil based on a 12-month rolling total, with a sulfur content not to exceed 0.5%, and 105,000,000 scf/yr based on a 12-month rolling total of natural gas.

(18) Stockpiles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(19) General Process Sources

Visible emissions from any general process source shall (including conveyor belts) not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101 and 06-096 CMR 115, BPT]

(20) Equipment Relocation [06-096 CMR 115, BPT]

- A. Pike shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.
- (21) Pike shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]
- (22) The Drum Mix Asphalt Plant is subject to 40 CFR Part 60 Subparts A, and I and Pike shall comply with the notification and recordkeeping requirements of 40 CFR Part 60.7.
- (23) Pike shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605-C].

DONE AND DATED IN AUGUSTA, MAINE THIS 14th DAY OF December 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brooks
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 5/18/2009

Date of application acceptance: 5/27/2009

Date filed with the Board of Environmental Protection: _____

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.

